

ERIC WILLIAMS CORRECTIONAL OFFICER PROTECTION ACT OF 2015

Mr. TOOMEY. Mr. President, I am going to make a unanimous consent request, but first I want to say a few words about the legislation about which the request pertains. I want to thank my colleague Senator BOB CASEY for joining me on this.

It was back in 2014 that Senator CASEY and I introduced the Eric Williams Correctional Officer Protection Act. It is a bipartisan bill, and it is a simple idea. The idea is to better enable these men and women who protect us every day by working as corrections officers—to better enable them to protect themselves in the very dangerous environments in which they go to work every day.

Amazingly enough, under the Bureau of Prisons policy, prison guards are often placed on duty, guarding large numbers of inmates by themselves, unarmed, and with no meaningful way to defend themselves. Officer Eric Williams of Wayne County, PA, paid the price for this policy. In February of 2013, Eric Williams was working alone in a housing unit of a Federal prison, a unit of 125 inmates. Carrying only a radio, handcuffs, and a set of keys, he had no means of self-defense and no one with him to provide back-up. A gang member serving a life sentence for first-degree murder savagely attacked and killed Officer Williams. The inmate used a homemade weapon to stab Eric Williams 129 times. He beat Eric so badly that his skull was crushed. The damage was so severe that Eric Williams' father stated: "I didn't even recognize my boy laying in that casket." Eric was just 34 years old.

This Bureau of Prisons policy is very misguided. We send our law enforcement officers alone, without defensive gear, to guard large numbers that include convicted killers. So, working with Senator CASEY and with Eric Williams' parents, Don and Jean Williams, we introduced the Eric Williams Correctional Officer Protection Act. I should point out that Don and Jean Williams have been absolutely heroic advocates in insisting that correctional officers have this tool at their disposal.

This is a bill that would require the Bureau of Prisons to issue nonlethal pepper spray to guards at high- and medium-security prisons so that these guards will have some means to protect themselves, some means of self-defense. We know this works. We know this works because there are many, many documented cases where a violent attack is immediately ended by deploying pepper spray. The fact is, pepper spray completely and immediately incapacitates an attacker. It does so while doing no permanent damage.

Well, it is too late for Eric Williams, but there are thousands of correctional officers across America who are working in dangerous environments every day. If we pass this legislation, we are probably going to save some of their lives over time.

The bill is bipartisan, as I pointed out. It has been endorsed by the American Federation of Government Employees, by the Federal Law Enforcement Officers Association, by the Council of Prisons Local 33. I am pleased to announce that thanks to the concerted and, as I said, heroic efforts of Eric's parents, Don and Jean Williams, and many law enforcement and correction officers across the country, I believe that today the Senate is ready to enact this legislation.

I also thank my cosponsors, Senators MANCHIN, MCCONNELL, CORNYN, INHOFE, CAPITO, LANKFORD, KIRK, and VITTER.

Before I make the formal unanimous consent request, I yield to the senior Senator from Pennsylvania who has joined me in this effort, Mr. CASEY.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I want to thank Senator TOOMEY for his work on this legislation—our work together. As Senator TOOMEY did, I especially want to commend Don and Jean Williams, the parents of corrections officer Eric Williams. I will not reiterate the horrific nature of his death; Senator TOOMEY outlined that. I cannot imagine more of a nightmare for a corrections officer and for his or her family.

We can bring some measure of protection to these officers by making sure that every possible circumstance is one in which the officer has pepper spray to be able to prevent an attack or to slow an attack down enough until that corrections officer gets help.

I want to say how much we appreciate the fact that this is bipartisan. This is one of those issues that should not have any kind of political division. Senator TOOMEY outlined the challenge and also the solution for this problem.

This is not a guarantee, but it means that if a corrections officer—and they are always outnumbered, by the way. If they are outnumbered, they will have some measure of protection.

I want to emphasize one thing I certainly forgot about or maybe never fully understood until I was in a line at corrections officer Eric Williams' viewing before his funeral. The line was full of law enforcement officers. I think sometimes we forget—and it was made clear to me that night—that these individuals are part of law enforcement, just like police officers at the local level or State police officers or other law enforcement personnel. When you work in a Federal prison and you are a corrections officer, you are part of law enforcement.

Those of us who work hard to provide resources for law enforcement should once again support legislation like this. I want to thank Senator TOOMEY for his work. I want to thank those who made this possible. I hope we can have this legislation pass through the Senate before we leave by the end of this week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, again, I want to thank Senator CASEY for his excellent work on this. At this time, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 238 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 238) to amend title 18, United States Code, to authorize the Director of the Bureau of Prisons to issue oleoresin capsicum spray to officers and employees of the Bureau of Prisons.

There being no objection, the Senate proceeded to consider the bill.

Mr. TOOMEY. Mr. President, I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 238) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 238

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Eric Williams Correctional Officer Protection Act of 2015".

SEC. 2. OFFICERS AND EMPLOYEES OF THE BUREAU OF PRISONS AUTHORIZED TO CARRY OLEORESIN CAPSICUM SPRAY.

(a) IN GENERAL.—Chapter 303 of part III of title 18, United States Code, is amended by adding at the end the following:

"§ 4049. Officers and employees of the Bureau of Prisons authorized to carry oleoresin capsicum spray

"(a) IN GENERAL.—The Director of the Bureau of Prisons shall issue, on a routine basis, oleoresin capsicum spray to—

"(1) any officer or employee of the Bureau of Prisons who—

"(A) is employed in a prison that is not a minimum or low security prison; and

"(B) may respond to an emergency situation in such a prison; and

"(2) to such additional officers and employees of prisons as the Director determines appropriate, in accordance with this section.

"(b) TRAINING REQUIREMENT.—

"(1) IN GENERAL.—In order for an officer or employee of the Bureau of Prisons, including a correctional officer, to be eligible to receive and carry oleoresin capsicum spray pursuant to this section, the officer or employee shall complete a training course before being issued such spray, and annually thereafter, on the use of oleoresin capsicum spray.

"(2) TRANSFERABILITY OF TRAINING.—An officer or employee of the Bureau of Prisons who completes a training course pursuant to paragraph (1) and subsequently transfers to employment at a different prison, shall not be required to complete an additional training course solely due such transfer.

"(3) TRAINING CONDUCTED DURING REGULAR EMPLOYMENT.—An officer or employee of the Bureau of Prisons who completes a training course required under paragraph (1) shall do so during the course of that officer or employee's regular employment, and shall be compensated at the same rate that the officer or employee would be compensated for

conducting the officer or employee's regular duties.

“(c) USE OF OLEORESIN CAPSICUM SPRAY.—Officers and employees of the Bureau of Prisons issued oleoresin capsicum spray pursuant to subsection (a) may use such spray to reduce acts of violence—

“(1) committed by prisoners against themselves, other prisoners, prison visitors, and officers and employees of the Bureau of Prisons; and

“(2) committed by prison visitors against themselves, prisoners, other visitors, and officers and employees of the Bureau of Prisons.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 303 of part III of title 18, United States Code, is amended by inserting after the item relating to section 4048 the following:

“4049. Officers and employees of the Bureau of Prisons authorized to carry oleoresin capsicum spray.”.

SEC. 3. GAO REPORT.

Not later than the date that is 3 years after the date on which the Director of the Bureau of Prisons begins to issue oleoresin capsicum spray to officers and employees of the Bureau of Prisons pursuant to section 4049 of title 18, United States Code, as added by this Act, the Comptroller General of the United States shall submit to Congress a report that includes the following:

(1) An evaluation of the effectiveness of issuing oleoresin capsicum spray to officers and employees of the Bureau of Prisons in prisons that are not minimum or low security prisons on—

(A) reducing crime in such prisons; and

(B) reducing acts of violence committed by prisoners against themselves, other prisoners, prison visitors, and officers and employees of the Bureau of Prisons in such prisons.

(2) An evaluation of the advisability of issuing oleoresin capsicum spray to officers and employees of the Bureau of Prisons in prisons that are minimum or low security prisons, including—

(A) the effectiveness that issuing such spray in such prisons would have on reducing acts of violence committed by prisoners against themselves, other prisoners, prison visitors, and officers and employees of the Bureau of Prisons in such prisons; and

(B) the cost of issuing such spray in such prisons.

(3) Recommendations to improve the safety of officers and employees of the Bureau of Prisons in prisons.

Mr. TOOMEY. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

HIGHER EDUCATION EXTENSION ACT OF 2015

Mr. ALEXANDER. Mr. President, I ask unanimous consent that I be allowed to enter into a colloquy with Senators AYOTTE, BALDWIN, CASEY, and PORTMAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. If it is agreeable to Senators, I will make a few remarks introducing the subject of the colloquy, and then the Senators will speak in that order. I am here today to talk about the Federal Perkins Loan Program Extension Act of 2015, which is a substitute to H.R. 3594. I have a bill which has been taken to the desk.

The original sponsors of the bill, which I will ask to be considered at the conclusion of the colloquy, are Senators AYOTTE, BALDWIN, JOHNSON, CASEY, COCHRAN, BOOZMAN, and me. We have debated the Perkins loan several times on the floor of the Senate. Twice, I have objected to the House bill to extend the Perkins Loan Program. This is a program that was set to expire in 2012, since the 1998 reauthorization of the Higher Education Act.

That date was not extended the last time we reauthorized the Higher Education Act. This is a program that, in 1998, the Congress and the President decided would expire in 2012. The expiration of the loan program should not have been a surprise to anybody. It has not received appropriations since 2004.

The Department of Education reminded institutions that the program was expiring earlier this year. I objected to the extension on the grounds that the current Federal loan program—one that all students, not select students, are able to use—has a lower interest rate and better repayment options than the Perkins Loan Program. I objected because I believed there should only be one Federal loan program for undergraduate students, as well as one for graduate students, and one for parents.

That was the testimony we received in our education committee, the HELP Committee. Senator BENNET and I and a bipartisan group of Senators have introduced something called the FAST Act, which would, in a variety of ways, simplify the ability of students to apply for Federal student aid. One of those ways is to simplify the maze of student loans that are available to students today.

Sometimes students end up with more loans than they even know they have. Then they have trouble paying them back. However, in recent weeks, I have had many conversations with Senators. Some of them are on the floor today and are Members of this colloquy, who have suggested to me they would like to have the Perkins Loan Program extended until we can address it in the Higher Education Reauthorization Act.

Senator AYOTTE, Senator BALDWIN, Senator COLLINS, Senator CASEY, Senator JOHNSON, Senator PORTMAN, and Senator BLUMENTHAL are some of the Senators who have eloquently made that case on the floor of the Senate. They came and argued the merits of the Perkins Loan Program. Most of the arguments relied on the use of these loans by students to provide for financing up to a student's full cost of attendance to meet a gap in funding that is above their direct Federal loan limits for the very neediest students; or they argued it was an important resource to students in urgent circumstances such as when a student's parent loses a job.

I listened to these Senators. I have listened to university presidents and others who have talked with me about

it. As a result, today I come here with what I believe is a fair compromise, co-sponsored by the Senators that I mentioned, to address the specific issues raised.

We propose a 2-year extension of the Perkins Loan Program while we work on a long-term solution for simplifying the student aid program. This extension will give us time to move forward on the Higher Education Act reauthorization next year, and come to a consensus on how to simplify the Federal student aid program, which has become so complicated that many students will not even apply for loans, and many of those who do don't realize the opportunities they have to pay the loans back according to very generous terms.

That being said, I think it is important for me to say that I am still, frankly, skeptical of the merits of this duplicative loan program, which only serves 5 percent of all student loan borrowers and amounts to a little over one-half of 1 percent of all the outstanding federal student loans we have in the country today. The program provides an average loan of about \$2,000 and illustrates the complicated mess our student loan system is in today.

My colleagues, cosponsors, and I have worked on this compromise to extend the Perkins Loan Program for 2 years for all eligible undergraduates and 1 year for current graduate students who have already received a Perkins loan for the graduate degree they are pursuing.

This is what the substitute does. It extends the Perkins Loan Program until September 30, 2017, for all eligible undergraduates. It provides 1 year of additional Perkins loans to graduate students who have already received a Perkins loan.

Under the Direct Grad PLUS Loan Program, graduate students have the ability to borrow up to the cost of attendance annually and have no aggregate or lifetime loan limits. In other words, you don't need the Perkins loan as a graduate student to meet costs because you can get as much money as you would need under the regular direct loan system.

The bill requires that the institutions award the maximum annual limit of subsidized direct loans prior to awarding a Perkins loan for current undergraduate Perkins loan borrowers.

It requires that institutions award the maximum annual limit of both subsidized and unsubsidized direct loans prior to awarding a Perkins loan for new undergraduate Perkins loan borrowers.

It requires the institution to disclose to Perkins loan borrowers the following: that the program is ending; next, that this loan is not eligible for certain repayment and forgiveness benefits available to borrowers utilizing the Direct Loan Program.

For an undergraduate, the interest rate is lower in the Direct Loan Program and they have a more generous way to repay the loan than under the